

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SOFIA ISLAS, VICTORINA BATANA,	:
ERNESTA VILLEGAS MORAN, LUCIA	:
JAVIER, ROSA FLORES and GLORIA	:
ZURITA, <i>individually and on behalf of others</i>	:
<i>similarly situated,</i>	:
	:
Plaintiffs,	:
-against-	:
	:
ELB and GEN LLC, CHAMPION	:
LAUNDERERS, INC., MICHAEL	:
ELBOGEN, and MARTIN ELBOGEN,	:
	:
Defendant.	:
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VITALIANO, D.J.

**MEMORANDUM AND ORDER**

**10-CV-3129 (ENV) (MDG)**

Plaintiffs Sofia Islas, Victorina Batana, Ernest Villegas Moran, Lucia Javier, Rosa Flores, and Gloria Zurita move the Court for default judgment against defendants ELB and GEN LLC (d/b/a Champion Launderers, Inc.), Michael Elbogen, and Martin Elbogen.<sup>1</sup> Plaintiffs brought this action on August 8, 2010 under the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.* and New York wage-and-hour laws. (Compl. (Dkt. No. 1)). Summonses and copies of the complaint were served on the defendants' agent on January 14, 2011. (Summonses Ret. Exec. (Dkt Nos. 4-6)). Defendants have never answered or otherwise responded to the complaint, and the time to do so has expired.

On the plaintiffs' motion, the Clerk of Court entered a Certificate of Default

<sup>1</sup> Plaintiffs initially named Allan Rudick as a defendant. By stipulation, Rudick was dismissed from the action on March 15, 2011. (Stip. of Dismissal (Dkt. No. 10)).

against defendants on March 15, 2011. (Cert. of Default (Dkt. No. 11). Plaintiffs have since complied with the applicable rules for securing a default judgment, and their motion is granted. This matter is referred to Magistrate Judge Marilyn Go for an inquest to determine the appropriate remedies.

**SO ORDERED.**

s/ ENV

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**ERIC N. VITALIANO**  
**United States District Judge**

**Dated: Brooklyn, New York**  
**July 1, 2013**